

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

(1) CAMEO HOLLAND, an Individual)
and Next of Kin to Minor Child, S.R.,)
Deceased,)

Plaintiff,)

vs.)

Case No. CIV-21-275-J

(1) CITY OF OKLAHOMA CITY,)

(2) WADE GOURLEY, individually,)

(3) COREY ADAMS, individually,)

(4) JARED BARTON, individually,)

(5) BRAD PEMBERTON, individually,)

(6) BETHANY SEARS, individually,)

(7) JOHN SKUTA, individually,)

Defendants.)

**UNOPPOSED MOTION TO STAY ANSWER DATE OF
DEFENDANTS BARTON, PEMBERTON AND SEARS
AND BRIEF IN SUPPORT**

Pursuant to Rule 7.1(k) of the Local Rules for the Western District, Defendants Jared Barton, Brad Pemberton and Bethany Sears, in their individual capacities, request the Court stay their respective deadlines to Answer Plaintiff's Complaint (Doc. No. 1) pending the Court's ruling on their pending Motions to Stay Civil Proceedings. (Doc. Nos. 15 and 24). In support of this motion, Defendants state:

1. Defendants Barton and Pemberton were served on or about May 20, 2021, and on June 10, 2021, they filed their motion to stay the civil proceedings pending

resolution of the Oklahoma County District Court criminal proceedings in CF-2021-975. (Doc. No. 15). Defendant Sears filed a similar motion on June 28, 2021.¹ (Doc. No. 24).

2. These Defendants have not yet filed answers, and do not believe they can do without impacting their Fifth Amendment privilege against self-incrimination. The Complaint contains detailed allegations against each Defendant; to prepare their respective answers, each Defendant will be required to either “admit” or “deny” certain allegations, and are concerned these admissions or denials could be deemed a waiver of his or her Fifth Amendment rights in this proceeding or in the underlying criminal proceeding.

3. Defendants Barton, Pemberton, and Sears adopt and incorporate the argument and authority within their motions to stay. (Doc. Nos. 15 and 24). Consistent with this argument and authority, Defendants request that the deadlines for them to answer be stayed pending the Court’s ruling upon the Motion to Stay Civil Proceedings and the underlying criminal case discussed therein. This separate motion is filed to preserve the right to answer in the event the Motions to Stay Civil Proceedings are denied in whole or part.

4. Counsel for Plaintiff does not object to the request to stay the Answer date.

5. The precise relief requested in this motion, as set out above, is an Order staying the deadline for Defendants Barton, Pemberton and Sears to file their Answer or other responsive pleading pending a ruling on the Motion to Stay Civil Proceedings. A proposed Order is contemporaneously submitted.

¹ Defendant Sears was served with the summons and complaint by mail but the certified mail green card was not attached when she received it.

Respectfully submitted,

s/ Stacey Haws Felkner

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BETHANY SEARS, individually

CERTIFICATE OF SERVICE

I hereby certify that on June 28, 2021, I electronically transmitted this filing to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrant:

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s/ Stacey Haws Felkner
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